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IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

GERALD E. PER
PER

MICHAEL WASHINGTON
12228 Clifton Blvd.
Lakewood, Ohio 44107

Plaintiff,

-VS-

MARYMOUNT HOSPITAL, INC.
c/o CT Corporation System, Statutory Agent
1300 East Ninth Street
Cleveland, Ohio 44114

and

John Does 1-2
(Names and Addresses Unknown)

Defendants.

) Case: Complaint
)
) Judge: PETER J CORRIGAN
CV 08 676764

COMPLAINT

(Jury Demand Endorsed Hereon)

Now comes Michael Washington, by and through counsel and proceeding under all appropriate state rules, and brings this action against Defendants named for damages sustained by him owing to negligent or deliberate conduct by one, some, or all Defendants and states as follows:

PARTIES

1. At all times relevant, Plaintiff Michael Washington ("Mr. Washington") resided at 12228 Clifton Blvd., Lakewood, Ohio 44107.
2. At all times relevant, Defendant Marymount Hospital ("Hospital") is an Ohio corporation and has a principal place of business at 12300 McCracken Road, Garfield Heights, Ohio 44125.
3. At all times relevant, Defendant John Does 1-2 (whose names and addresses are unknown) are corporate officers who made decisions on behalf of the Hospital with regard to Mr. Washington.

FACTS COMMON TO ALL COUNTS

4. Mr. Washington is an African-American male.

5. Mr. Washington was first hired by the Hospital on November 4, 1987. In April 2002, Mr. Washington became Lead File Room Tech for the Hospital's x-ray department and maintained that position until he resigned on March 26, 2007. Currently, he is a file clerk in the Hospital's Radiology Department.

6. In June 2005, Richard White, a Caucasian male, was hired as the Hospital's Manager of the Radiology Department and became Mr. Washington's supervisor.

7. Mr. Washington made several complaints to Mr. White about the continuing harassing behavior that he suffered from his female colleagues, but these complaints were either not investigated or the offending female was not disciplined. For example, a white female made a comment to Mr. Washington that was found to be in violation of the Hospital's Professional Conduct and Anti-Harassment Policy, but she was not disciplined.

8. Mr. Washington was disciplined for alleged policy violations when female colleagues were not. For example, a female co-worker made a comment to Mr. Washington in violation of the Hospital's Professional Conduct and Anti-Harassment Policy, to which Mr. Washington responded. Mr. Washington, however, was disciplined but the female co-worker was not.

9. In March 2007, Christina Webb, a Caucasian female and the Director of Human Resources, suspended Mr. Washington for 3 days for allegedly violating the Hospital's anti-harassment policy and for alleged computer abuse. Ms. Webb, however, could cite to no specific incident which constituted violations of any Hospital policy. After his suspension and owing to the continuing harassment that he suffered, Mr. Washington resigned his position as Lead File Room Tech. He was replaced by a white female.

10. On October 16, 2007, Mr. Washington filed a charge of racial and sex discrimination with the EEOC. On November 15, 2007, after having received Mr. Washington's

charge, Mr. White and Ms. Webb called Mr. Washington into a meeting, questioned him about his discrimination charge, and insinuated that his job was in jeopardy.

11. Plaintiff has exhausted all available administrative remedies prior to bringing suit. Pursuant to the claims set forth herein, Plaintiff received notice of a Right to Sue from the Equal Employment Opportunity Commission, dated August 20, 2008.

12. As a direct and proximate cause of the actions of Defendants, Mr. Washington suffered economic and non-economic loss in an amount to be determined at trial.

COUNT I
Title VII, 42 U.S.C. § 2000e, et seq.
Racial Discrimination and Hostile Work Environment

13. Plaintiff reaffirms and realleges Paragraphs 1 through 12 of this Complaint as if fully rewritten herein.

14. Mr. Washington, a member of a protected class, is qualified to work in his former position as Lead File Room Tech.

15. Nevertheless, he was forced to resign his position because he was subjected to unwelcomed racial and sexual harassment which created an intimidating, hostile, and offensive work environment as alleged above.

16. Mr. Washington was also treated differently than similarly situated workers outside of his protected class, as alleged in Paragraphs 5 through 10 above.

COUNT II
Title VII, 42 U.S.C. § 2000e, et seq.
Retaliation

17. Plaintiff reaffirms and realleges Paragraphs 1 through 16 of this Amended Complaint as if fully rewritten herein.

18. During the time that Mr. Washington worked for the Hospital, he was engaged in protected activity.

19. Defendants knew that Mr. Washington was exercising protected rights as alleged in Paragraph 10.

20. Defendants thereafter took adverse employment action against Mr. Washington.

21. There is a causal connection between Mr. Washington's exercise of protected rights and Defendants' adverse employment action against him.

COUNT III
O.R.C. § 4112.01, et seq.
Racial Discrimination/Hostile Work Environment

22. Plaintiff reaffirms and realleges Paragraphs 1 through 21 of this Complaint as if fully rewritten herein.

23. The actions of Defendants, as alleged in Paragraphs 5 through 10 above, violate provisions of the Ohio Revised Code Chapter 4112, § 4112.02(A).


COUNT IV
O.R.C. § 4112.01, et seq.
Retaliation

24. Plaintiff reaffirms and realleges Paragraphs 1 through 23 of this Complaint as if fully rewritten herein.

25. The actions of Defendants, as alleged in Paragraph 10, violate provisions of the Ohio Revised Code Chapter 4112, § 4112.02(I).

WHEREFORE, Mr. Washington respectfully requests that this Court award damages to him and against these Defendants, jointly and severally, in an amount in excess of \$25,000.00, including all statutory damages, compensatory damages, and punitive damages, attorney's fees, costs of court, pre- and post-judgment interest, and all other relief, whether in law or equity, which will fully and fairly compensate Mr. Washington for his injuries and damages.

Respectfully submitted,



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